

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**UNITED STATES OF AMERICA and  
COMMONWEALTH OF MASSACHUSETTS**  
*ex rel.* **JULIO ESCOBAR and CARMEN  
CORREA, ADMINISTRATRIX OF THE  
ESTATE OF YARUSHKA RIVERA**

Relators–Plaintiffs,

v.

**UNIVERSAL HEALTH SERVICES, INC.,  
UHS OF DELAWARE, INC., and HRI  
CLINICS, INC.**

Defendants.

**C.A. No. 11-CV-11170-DPW**

**DECLARATION OF DR. NICOLE CHRISTIAN-BRATHWAITE IN OPPOSITION TO  
DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

I, Dr. Nicole Christian-Brathwaite, MD, under penalty of perjury and pursuant to 28 U.S.C. § 1746, declare the following to be true and correct:

1. I am currently the Medical Director for Riverside Community Care, a large community mental health center with outpatient mental health clinics throughout Massachusetts.
2. I was retained by the Relators and the Commonwealth of Massachusetts (collectively the “Plaintiffs”) to determine whether Arbour Lawrence employed a qualified Medical Director during the relevant period, whether Dr. Maria Gaticales was qualified to render services to MassHealth members, and whether Dr. Gaticales was qualified to supervise Advanced Practice Registered Nurses (“APRNs”) engaged in prescriptive practices. As outlined in my expert report, I determined that Arbour Lawrence failed to have a qualified Medical Director, Dr. Gaticales was not qualified to treat MassHealth members

unless under the clinical supervision of a qualified psychiatrist, and Dr. Gaticales was not qualified to supervise APRNs engaged in prescriptive practices.

3. I drafted an expert report in this case; a true and accurate copy of which is attached.

4. If called to testify at trial in this case, I would testify under oath as to the sum and substance contained in my expert report.

Signed under the pains and penalties of perjury, this 19 day of July, 2019.

A handwritten signature in black ink that reads "Nicole C Brathwaite, MD". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Dr. Nicole Christian-Brathwaite, MD